

Thomas H. Bienert, Jr. (CA 135311, admitted *pro hac vice*)
 Whitney Z. Bernstein (CA 304917, admitted *pro hac vice*)
 BIENERT | KATZMAN PC
 903 Calle Amanecer, Suite 350
 San Clemente, California 92673
 Telephone: (949) 369-3700
 Facsimile: (949) 369-3701
 tbienert@bienertkatzman.com
 wbernstein@bienertkatzman.com
Attorneys for James Larkin

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Michael Lacey, *et al.*,

Defendants.

NO. CR-18-00422-PHX-SMB

**JAMES LARKIN'S JOINDER TO JOHN
 BRUNST'S OPPOSITION TO
 GOVERNMENT REQUEST FOR
 EXTENSION AT DOC. NO. 675**

James Larkin, by and through his undersigned counsel, hereby joins in John Brunst's Opposition to United States' Motion to Extend Deadline for a Consolidated Response (Doc. No. 677). Mr. Larkin adopts the legal positions and bases set forth in the Opposition as if fully set forth herein.

The government brazenly and unilaterally violated this Court's order to produce Carl Ferrer's *Jencks* Act and impeachment materials by June 25, 2019. *See* Doc. 665. Mr. Larkin accordingly brought a Motion to Compel Compliance and Order to Show Cause on July 1, 2019.¹ *Id.* Mr. Larkin's Motion to Compel Compliance is premised on the government's undue delay and violation of the Court's deadline. *Id.* As explained therein, the government's violation of this Court's order at Doc. No. 535 prejudices Mr. Larkin by hindering his ability

¹ Under LRCiv 7.2(c), the government's response to Mr. Larkin's Motion to Compel Compliance is due on July 15, 2019, not the following day as the government incorrectly states in its request for an extension.

1 to prepare his defense in this case. At the same time that it demands Defendants be held to
2 the Scheduling Order, the government continues to deploy delay tactics to further avoid its
3 own compliance, and its request for an extension of time to respond to Mr. Larkin's Motion
4 to Compel Compliance is just the latest example. Where the government offers no good cause
5 for its need for an extension, and where Mr. Larkin depends upon judicial review for relief
6 from the harm he is suffering as a result of the government's actions, he respectfully requests
7 that the Court deny the government's motion at Doc. No. 675 regarding the government's
8 deadline for response to the Motion to Compel Compliance.

9 Mr. Larkin does not oppose the government's requested extension of time from July
10 16, 2019 to July 19, 2019 to file its separate and distinct Reply in Support of its Motion at Doc.
11 No. 658.

12 Respectfully submitted,

13
14 DATED: July 10, 2018

BIENERT | KATZMAN PC

15
16 /s/ Whitney Z. Bernstein
17 Whitney Z. Bernstein
18 Thomas H. Bienert, Jr.
19 *Attorneys for James Larkin*
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I certify that on this 10th day of July 2019, I electronically transmitted a PDF version of this document to the Clerk of the Court, using the CM/ECF System, for filing and for transmittal of a Notice of Electronic Filing to the following CM/ECF registrants listed below.

/s/ Toni Thomas

Toni Thomas

Anne Michelle Chapman, anne@mscclaw.com
 Erin E. McCampbell, emccampbell@lglaw.com
 Anthony R. Bisconti, tbisconti@bienertkatzman.com
 Ariel A. Neuman, aan@birdmarella.com
 Bruce S. Feder, bf@federlawpa.com
 James C. Grant, jimgrant@dwt.com
 Lee David Stein, lee@mscclaw.com
 Paul J. Cambria, pcambria@lglaw.com
 Robert Corn-Revere, bobcornever@dwt.com
 Ronald Gary London, ronnielondon@dwt.com
 Janey Henze Cook, janey@henzecoockmurphy.com
 John Lewis Littrell, jlittrell@bmkattorneys.com
 Seetha Ramachandran, Seetha.Ramachandran@srz.com
 Thomas H. Bienert, Jr. tbienert@bienertkatzman.com
 Whitney Z. Bernstein, wbernstein@bienertkatzman.com
 Gary S. Lincenberg, glincenberg@birdmarella.com
 Gopi K. Panchapakesan, gpanchapakesan@birdmarella.com
 Michael D. Kimerer, mdk@kimerer.com
 Rhonda Elaine Neff, rneff@kimerer.com
 David S. Eisenberg, david@deisenbergplc.com
 Joy Malby Bertrand, joyous@mailbag.com
 John Jacob Kucera, john.kucera@usdoj.gov
 Kevin M. Rapp, Kevin.Rapp@usdoj.com
 Margaret Wu Perlmeter, Margaret.perlmeter@usdoj.gov
 Reginald E. Jones, reginald.jones4@usdoj.gov
 Peter Shawn Kozinets, Peter.Kozinets@usdoj.gov
 Andrew C. Stone, andrew.stone@usdoj.gov